

## **ENVIRONMENTAL HEARINGS OFFICE**

### **Minutes of Meeting June 16, 2009 10:00 a.m.**

The June 2009 meeting was called to order by Chair Kathy Mix in the Boards' office in Lacey, Washington. Present were Chair Kathy Mix, Board Members Andrea McNamara Doyle and William Lynch, Administrative Appeals Judges Kay Brown, Phyllis Macleod and Cassandra Noble, Administrative Manager Robyn Bryant, Hearings Coordination Debbie Joblonski and Administrative Secretary Janet Buechler. Minutes of the May 2009 meeting were read and approved.

Handouts were distributed for review which included the pollution, shoreline, forest practice, hydraulic, and environmental and land use appeals filed, a brief summary of all cases that have closed and the Case Statistics Report. There was a short discussion on the number of open cases in comparison to previous years.

#### **Appellate Update**

Chair Kathy Mix reported that there were no new Superior Court Appeals filed since the last meeting in May. The previously appealed case of *Pacific Land Partners v. Ecology* was upheld by the Court of Appeals, Division III.

#### **Financial Update**

Robyn Bryant reported that there were no new budget issues to report. June is the end of the biennium and the office budget is on target. The office is looking at a reduced budget for the biennium beginning July 1<sup>st</sup>.

#### **Facilities Issues**

The lease for the current office space expires on June 30, 2010. New space was being investigated; however, at the direction of the OFM Facilities Oversight group, we have been advised that they are already working on the six-year plan and funding sources for several state agencies, including EHO. They will let everyone know when a plan has been identified.

## **EHO Policy**

After final review of the Administrative Policy on Decision Making and Opinions, the policy was unanimously adopted as of June 16, 2009.

## **Shorelines Hearings Board Short Board Cases**

The Statute concerning the use of Short Boards in certain Shorelines Hearings Board cases will become effective July 25, 2009. A rule change is not necessary to start implementing the use of short boards; however, Kay Brown reported that the rule will be changed to incorporate the necessary language authorizing the chair to use discretion in assigning them. The official adoption date for the rule will be October 13, 2009 at the regular EHO meeting.

## **Westlaw Training**

The Westlaw contract is in the process of being renewed. Janet Buechler reported that the request has been made to Westlaw to provide in house training to all users to maximize efficient use of the databases.

## **Flu Pandemic Update**

Robyn stated that procedures in light of the declared flu pandemic fall under the Continuity of Operations Plan. This plan will be revisited in the fall prior to the fall flu season.

## **New Board Chair**

Kathy Mix introduced Andrea McNamara Doyle as the new Chair of the Pollution Control Hearings and Shorelines Hearings Boards. Andrea's term as Chair will commence on July 1, 2009 and run through June 30, 2011.

## **Case Management Efficiencies**

The use of certain efficiencies to bring PCHB and SHB cases to a timely conclusion was discussed. The statutory requirements include the use of early dispute resolution on small cases, telephonic hearings, and the preparation and submission of the findings of fact and conclusions of law by the prevailing party where appropriate.

## **Additional Business**

Kathy announced that Governor Gregoire has formed a Natural Resources Subcabinet for the purpose of attempting to streamline and possibly consolidate various natural resource agencies, a portion of which involves quasi-judicial agencies. Kathy has agreed to be a part of that process.

Phyllis Macleod stated that the office retreat/training day is still on the schedule for August 17<sup>th</sup>.

Meeting adjourned.

Janet Buechler  
Administrative Secretary